

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To require institutions of higher education to include reporting regarding campus anti-Semitism in the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to ensure that institutions of higher education do not support terrorist activity of foreign terrorist organizations, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To require institutions of higher education to include reporting regarding campus anti-Semitism in the annual security report required under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, to ensure that institutions of higher education do not support terrorist activity of foreign terrorist organizations, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ending Subsidies for  
3 Pro-Terrorist Activity on Campus Act”.

4 **SEC. 2. REPORTING ANTI-SEMITISM ON CAMPUSES.**

5 Section 485(f)(1) of the Higher Education Act of  
6 1965 (20 U.S.C. 1092(f)(1)) is amended by adding at the  
7 end the following:

8 “(K)(i) A statement of current campus policies  
9 regarding anti-Semitism, which shall include—

10 “(I) a detailed plan of action for com-  
11 bating anti-Semitism on campus;

12 “(II) information and procedures on how  
13 to report actual or perceived incidents of anti-  
14 Semitism, as well as the subsequent investiga-  
15 tory process for determining the outcome of  
16 such report; and

17 “(III)(aa) a detailed list of actual or per-  
18 ceived incidents of anti-Semitism that have oc-  
19 curred on campus; and

20 “(bb) the institution’s subsequent actions  
21 taken in response to each such incident.

22 “(ii) In this subparagraph, the term ‘anti-Semi-  
23 tism’ has the meaning given the working definition  
24 of anti-Semitism adopted by the International Holo-  
25 caust Remembrance Alliance on May 26, 2016, in-

1 including the contemporary examples of anti-Semitism  
2 cited by the Alliance.”.

3 **SEC. 3. PREVENTING TERRORISM SUPPORT ON HIGHER**  
4 **EDUCATION CAMPUSES.**

5 (a) REQUIREMENTS FOR INSTITUTIONS.—

6 (1) IN GENERAL.—Part B of title I of the  
7 Higher Education Act of 1965 (20 U.S.C. 1011 et  
8 seq.) is amended by adding at the end the following:

9 **“SEC. 124. PREVENTING TERRORIST ACTIVITY SUPPORT ON**  
10 **CAMPUS.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) ENGAGE IN TERRORIST ACTIVITY.—The  
13 term ‘engage in terrorist activity’ has the meaning  
14 given the term in section 212(a)(3)(B)(iv) of the Im-  
15 migration and Nationality Act (8 U.S.C.  
16 1182(a)(3)(B)(iv)).

17 “(2) FOREIGN TERRORIST ORGANIZATION.—  
18 The term ‘foreign terrorist organization’ means a  
19 foreign organization that is designated by the Sec-  
20 retary of State in accordance with section 219 of the  
21 Immigration and Nationality Act (8 U.S.C. 1189).

22 “(3) INSTITUTION.—The term ‘institution’  
23 means an institution of higher education, as defined  
24 in section 102.

1           “(4) INSTITUTION ACTIVITY.—The term ‘insti-  
2           tution activity’—

3                   “(A) means an activity of an institution or  
4                   occurring on the campus of the institution; and

5                   “(B) includes research, classes, and events  
6                   organized by student organizations.

7           “(5) MATERIAL SUPPORT OR RESOURCES.—The  
8           term ‘material support or resources’ has the mean-  
9           ing given the term in section 2339A of title 18,  
10          United States Code.

11          “(6) TERRORIST ACTIVITY.—The term ‘terrorist  
12          activity’ has the meaning given the term in section  
13          212(a)(3)(B)(iii) of the Immigration and Nationality  
14          Act (8 U.S.C. 1182(a)(3)(B)(iii)).

15          “(b) PROCEDURES.—An institution that receives  
16          Federal funds shall develop and carry out policy and pro-  
17          cedures to identify applicants for faculty and staff posi-  
18          tions, and student applicants, who have, as determined  
19          under regulations promulgated by the Secretary—

20                   “(1) engaged in terrorist activity with the in-  
21                   tent to accomplish a goal of a foreign terrorist orga-  
22                   nization;

23                   “(2) incited terrorist activity with the intent to  
24                   accomplish a goal of a foreign terrorist organization;

25                   or

1           “(3)(A) provided material support or resources  
2           to a foreign terrorist organization; or

3           “(B) with the intent to accomplish a goal of a  
4           foreign terrorist organization, provided material sup-  
5           port or resources to an individual engaging in ter-  
6           rorist activity.

7           “(c) LIMITATION ON FUNDS.—Each institution re-  
8           ceiving Federal funds shall ensure that such Federal funds  
9           are not used for any institution activity that urges support  
10          for, endorses, espouses, encourages, organizes for, or pro-  
11          motes a foreign terrorist organization or its terrorist ac-  
12          tivities.

13          “(d) SPECIAL RULE.—The regulations promulgated  
14          by the Secretary under subsection (b) shall not be limited  
15          to violations of paragraph (1), (2), or (3) of such sub-  
16          section evidenced by a criminal conviction.”.

17                 (2) PROGRAM PARTICIPATION AGREEMENT.—  
18                 Section 487(a) of the Higher Education Act of 1965  
19                 (20 U.S.C. 1094(a)) is amended by adding at the  
20                 end the following:

21                 “(30) The institution certifies that the institu-  
22                 tion complies with the requirements of section 124.”.

23                 (b) ANNUAL CAMPUS SECURITY REPORT.—Section  
24                 485(f)(1) of the Higher Education Act of 1965 (20 U.S.C.

1 1092(f)(1)), as amended by section 2, is further amended  
2 by adding at the end the following:

3 “(L)(i) A statement of current campus policies  
4 regarding procedures to prevent (including by edu-  
5 cating students and employees) and respond to—

6 “(I) speech by students, employees, or  
7 other individuals on campus, or through an on-  
8 line campus platform, related to the existence,  
9 terrorist activities, or goals of a foreign ter-  
10 rorist organization that—

11 “(aa) imminently incites or produces  
12 lawless action; or

13 “(bb) is directed to inciting or pro-  
14 ducing imminent lawless action and is like-  
15 ly to imminently incite or produce such ac-  
16 tion;

17 “(II) fighting words by students, employ-  
18 ees, or other individuals on campus, or through  
19 an online campus platform, related to the exist-  
20 ence, terrorist activities, or goals of a foreign  
21 terrorist organization;

22 “(III) true threats by students, employees,  
23 or other individuals, on campus or through an  
24 online campus platform, related to the exist-

1           ence, terrorist activities, or goals of a foreign  
2           terrorist organization; and

3           “(IV) speech by students, employees, or  
4           other individuals on campus, or through an on-  
5           line campus platform—

6           “(aa) related to the existence, ter-  
7           rorist activities, or goals of a foreign ter-  
8           rorist organization; and

9           “(bb) used as an integral part of con-  
10          duct in violation of a valid criminal stat-  
11          ute.

12          “(ii) In this subparagraph—

13           “(I) the term ‘foreign terrorist organiza-  
14           tion’ has the meaning given the term in section  
15           124(a); and

16           “(II) the term ‘online campus platform’  
17           means an online platform that is operated or  
18           maintained by the institution.”.

19          (c) STUDENT ELIGIBILITY.—Section 484 of the  
20          Higher Education Act of 1965 (20 U.S.C. 1091) is  
21          amended by adding at the end the following:

22          “(u) TERRORIST ACTIVITY DISQUALIFICATION.—

23           “(1) DISQUALIFICATION.—A student shall not  
24           be eligible to receive any grant, loan, or work assist-  
25           ance under this title if the Secretary determines,

1 consistent with the regulations promulgated under  
2 section 124, that the student has been convicted, in-  
3 cluding pursuant to a plea of nolo contendere or  
4 guilty, of a criminal offense involving—

5 “(A) engaging in terrorist activity with the  
6 intent to accomplish a goal of a foreign ter-  
7 rorist organization;

8 “(B) inciting terrorist activity with the in-  
9 tent to accomplish a goal of a foreign terrorist  
10 organization;

11 “(C)(i) providing material support or re-  
12 sources to a foreign terrorist organization; or

13 “(ii) with the intent to accomplish a goal  
14 of a foreign terrorist organization, providing  
15 material support or resources to an individual  
16 engaging in terrorist activity; or

17 “(D) conspiring to, or soliciting another  
18 person to, engage in terrorist activity, with the  
19 intent to accomplish a goal of a foreign ter-  
20 rorist organization.

21 “(2) DEFINITIONS.—The terms ‘engage in ter-  
22 rorist activity’, ‘foreign terrorist organization’, ‘ma-  
23 terial support or resources’, and ‘terrorist activity’  
24 have the meanings given the terms in section  
25 124(a).”.

1 (d) STUDENT AND EXCHANGE VISITOR INFORMA-  
2 TION SYSTEM.—Section 641(e) of the Illegal Immigration  
3 Reform and Immigrant Responsibility Act of 1996 (8  
4 U.S.C. 1372(c)) is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraphs (C) and (D), by  
7 striking “institution,,” each place such term ap-  
8 pears and inserting “institution,”;

9 (B) in subparagraph (D), by striking  
10 “and” at the end;

11 (C) in subparagraph (G), by striking  
12 “and” at the end;

13 (D) in subparagraph (H), by striking the  
14 period at the end and inserting “; and”;

15 (E) by adding at the end the following:

16 “(I) details regarding any instance in  
17 which an alien student at an approved institu-  
18 tion of higher education violates a policy of  
19 such institution referred to in subparagraph  
20 (K)(i) or (L)(i) of section 485(f)(1) of the  
21 Higher Education Act of 1965 (20 U.S.C.  
22 1092(f)(1)), including any disciplinary action  
23 taken against such alien student.”; and

24 (2) in paragraph (5)—

1 (A) by striking “The Attorney General”  
2 and inserting the following:

3 “(A) IN GENERAL.—The Director of U.S.  
4 Immigration and Customs Enforcement”; and

5 (B) by adding at the end the following:

6 “(B) ANTI-SEMITIC AND TERRORISM-RE-  
7 LATED INCIDENTS.—Not later than 21 days  
8 after an alien student described in paragraph  
9 (1)(I) commits a violation described in such  
10 paragraph, the relevant institution of higher  
11 education shall report such violation, and any  
12 disciplinary action taken against such alien stu-  
13 dent, to the Department of Homeland Security  
14 and the Department of State through the Stu-  
15 dent and Exchange Visitor Information Sys-  
16 tem.”.

17 **SEC. 4. REPORTS REGARDING DISCRIMINATION.**

18 (a) IHE REPORTS TO THE SECRETARY.—Each insti-  
19 tution of higher education (as defined in section 102 of  
20 the Higher Education Act of 1965 (20 U.S.C. 1002)) that  
21 receives Federal financial assistance shall report to the  
22 Secretary of Education information about the institution’s  
23 efforts to prevent and respond to discrimination, including  
24 harassment, on the basis of race, color, or national origin  
25 that is based on an individual’s actual or perceived Jewish

1 lineage or Jewish ethnic characteristics and that occurs  
2 on the institution's campus, including on online platforms  
3 that are operated or maintained by the institution.

4 (b) REPORT TO CONGRESS.—Not later than 6  
5 months after the date of enactment of this Act, and annu-  
6 ally thereafter, the Secretary of Education shall submit  
7 a report to Congress containing the information described  
8 in subsection (a).